

MONTEREY COUNTY PLANNING COMMISSION

| | |
|--|--|
| Meeting: November 8, 2006 Time ____ | Agenda Item: ____ |
| Project Description: Country Lake Estates: PLN040103 and GPZ060006. A Combined Development Permit request to allow: <ul style="list-style-type: none"> • A General Plan Amendment to change the land use designation (1) from Rural Density Residential to Low Density Residential on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000); and (2) from Commercial to Low Density Residential on approximately 2.5 acres of the subject property (eastern portion of 70850 New Pleyto Road; APN 423-251-034-000); • A Zone change (1) from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000), (2) from HC (Heavy Commercial) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 2.5 acres of the subject property (eastern portion of 70850 New Pleyto Road; APN 423-251-034-000), and (3) to add a B-6 overlay (no further subdivision) to all existing LDR/1 property; • A standard subdivision vesting tentative map to divide two properties totaling 92 acres into 52 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road. An alternative lot configuration proposed by the applicant would develop 45 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels; • A use permit for a mutual water system; • A use permit to continue automobile and recreational vehicle storage on all commercial lots; and • A General Development Plan | |
| Project Location: The project sites are located at 70850 & 70970 New Pleyto Road, Bradley Assessor's Parcel Numbers: 423-251-034-000 and 423-071-059-000 | |
| Plan Area: South County Area | Flagged and staked: no |
| Zoning Designation: RDR/5.1, LDR/1 , HC | CEQA Action: Proposed Mit. Neg. Declaration |
| Department: Resource Management Agency: Planning Department. | |

RECOMMENDATION:

The Subdivision Committee is recommending that the Planning Commission recommend to the Board of Supervisors that they:

- 1) Adopt the Mitigated Negative Declaration in **Exhibit E**,
- 2) Approve the Draft Resolution and Ordinance for Amendment to the Monterey County General Plan and Zoning Ordinance (Title 21) **Exhibit J**,
- 3) Adopt the Condition Compliance and Mitigation Monitoring Reporting Plan attached as **Exhibit D** and
- 4) Approve the Combined Development Permit for Lot Pattern #2 of the Country Lake Estates Subdivision, as described in Condition #1 of the Condition Compliance and Mitigation Monitoring Reporting Plan, subject to the recommended Findings and Evidence attached as **Exhibit C**.

OVERVIEW OF PROPOSED ACTION:

The applicant has proposed a residential and commercial subdivision in South County along New Pleyto Road and has presented two lot configurations. One lot configuration (Lot Pattern #1) is dependent upon the County approving a General Plan Amendment and Rezoning to allow additional residential density than is currently designated and an adjustment to reduce the Commercial plan area. The other lot configuration (Lot Pattern #2) does not require a General Plan Amendment and Rezoning for the rural residential areas, but also requires an adjustment to the General Plan and Zoning Maps to reduce the Commercial area by approximately 2.5 acres. Staff and the Subdivision Committee recommend approval of Lot Pattern #2. See the Discussion in Exhibit B.

OTHER AGENCY INVOLVEMENT:

- | | |
|---------------------------------|-----------------------------------|
| ✓ Water Resources Agency | ✓ Parks Department |
| ✓ Environmental Health Division | ✓ CDF California Dept of Forestry |
| ✓ Public Works Department | ✓ Housing and Redevelopment |
| ✓ Monterey County Sheriff | |

All of the above have reviewed this project and recommended Conditions of Approval.

Taven M. Kinison Brown, Senior Planner
October 26, 2006

cc: Planning Commission Members; County Counsel; Health Department; Public Works; Water Resources Agency; California Department of Forestry, South County; Alana Knaster, Mike Novo; Taven M. Kinison Brown; Carol Allen; Applicant, James Hansen; Representative, John Bridges; and all persons who have expressed interest (Permits + database)

| | | |
|--------------|-----------|--|
| Attachments: | Exhibit A | Project Data Sheet |
| | Exhibit B | Discussion |
| | Exhibit C | Recommended Findings and Evidence |
| | Exhibit D | Condition Compliance and Mitigation Monitoring Reporting Plan |
| | Exhibit E | Initial Study and proposed Mitigated Negative Declaration (Aug 28 - Sept 26) |
| | Exhibit F | SB18 Consultation Letters from the Xolon Salinan Tribe and the Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties. |
| | Exhibit G | August 1, 2006 e-mail to staff and Letter to Planning Commissioner Jay Brown. |
| | Exhibit H | Subdivision Committee Resolution (placeholder - not signed as of 10/25/06) |
| | Exhibit I | March 31, 2005 Memorandum to the Board of Supervisors from Scott Hennessey and Charles McKee for General Plan Study Session #1 |
| | Exhibit J | Draft Resolution and Ordinance for Amendment to the Monterey County General Plan and Zoning Ordinance (Title 21) |
| | Exhibit K | Vicinity Map |
| | Exhibit L | Project Exhibits: |
| | | ○ Development Project Application Update 2.0 August 10, 2005 |
| | | ○ Vesting Tentative Map - Full size |

This report was reviewed by Bob Schubert____, Acting Building and Planning Services Manager.

Project Data Sheet

EXHIBIT A

EXHIBIT B

DISCUSSION

BACKGROUND:

The present application represents the third and fourth lot configurations proposed by the applicant. The first submittals requested that many more lots be created using the Density Bonus Provisions of State Law. These more dense designs presented difficulty in meeting the standards for septic treatment and minimum parcel size as required by the Department of Environmental Health. The one-acre minimum parcel size per unit for septic systems also presented a challenge in meeting the applicant's onsite affordable housing requirements.

The present proposal was submitted for County review in November 2005, and has two lot configurations laid over a single Vesting Tentative Map (Lot Pattern #1 and Lot Pattern #2). While the applicant desires for the County to approve a General Plan Amendment and Rezone to allow a more dense development than current zoning standards allow, the map has also been drawn so that a conforming lot configuration may be reviewed and acted upon. Assistance with preparing the Initial Study and Environmental Review for the project has been provided by Rincon Consultants. The Initial Study has circulated twice due to clarification in the project Description brought to light by the project applicant during review by the Subdivision Committee.

SETTING AND PROJECT DESCRIPTION

Please refer to the detailed Project Description and Environmental Setting in Section II of the attached Initial Study, Exhibit E. The subject property encompasses approximately 92 acres of which approximately 12.5 acres of HC commercially zoned land areas are adjacent to New Pleyto Road. West of and adjacent to the commercially zoned areas, approximately 40 acres are zoned LDR/1 Low Density Residential (maximum gross density of 1 acre / unit). The westernmost portion of the project site includes approximately 40 +/- acres of RDR/5.1, Rural Density Residential (maximum gross density of 5.1 acres/one unit).

Lot Pattern #1

Lot Pattern #1 is the applicant's preferred lot configuration as seen on the November 2005 project plans. The applicant desires to amend the Rural Density Residential General Plan and Zoning Designations of the western-most property to allow Low Density Residential. The applicant's desired lot configuration can be seen in proposed Lot Numbers 43 through 52.

Total parcel count for Lot Pattern #1 would be as follows:

| | | | |
|--------------------------------|----|------|-------------------------|
| Commercial Lots | 5 | Lot# | C1, C2, C3, C4, and C5. |
| Low Density Residential Lots | 47 | Lot# | 1-37 and 43- 52 |
| Rural Density Residential Lots | 5 | Lot# | 38, 39, 40, 41, 42. |
| <hr/> | | | |
| 57 | | | |

Lot Pattern #2

Lot Pattern #2 is the applicant's alternative lot configuration should the General Plan Amendment and Rezone requests to change Rural Density to Low Density on the western 40+/- acre parcel not be approved. Proposed Lot Numbers 43-A, 44-A, and 45-A are laid over the lots described above. Each of these three proposed lots would have a 5.1-acre minimum parcel size. No General Plan Map land use density change or rezoning in the rural residential areas would be required to allow this configuration.

Total parcel count for Lot Pattern #2 would be as follows:

| | | | |
|--------------------------------|----|------|----------------------------|
| Commercial Lots | 5 | Lot# | C1, C2, C3, C4, and C5. |
| Low Density Residential Lots | 37 | Lot# | 1-37 |
| Rural Density Residential Lots | 8 | Lot# | 38-42, 43-A, 44-A and 45-A |
| | 50 | | |

The applicant is also requesting to adjust the General Plan and Zoning boundaries of the Commercial and Residential areas by reducing the Heavy Commercial district boundary by approximately 2.5 acres and allowing Low Density Residential development in those areas. More discussion of this follows.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared to assess the potential adverse environmental impacts from the project and was circulated on June 23, 2006 with the public review period ending July 24, 2006. The Initial Study identified mitigation measures to assure a less than significant impact to the environment for: Biological Resources, Geology and Soils, and Hazards and Hazardous Materials (Fire Safety). Prior to the close of the (first) public review period for the Initial Study, July 24, 2006, staff received comments from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the State Department of Transportation (CalTrans). Mitigation measures to further protect Air Quality and mitigate cumulative impacts to regional transportation systems were incorporated in the revised Initial Study and Proposed Mitigated Negative Declaration.

During review by the Subdivision Committee, the applicant clarified and revised the Project Description and the item was continued. The Project Description was revised by staff and an amended Initial Study and Proposed Mitigated Negative Declaration was circulated for a second time for public and agency review August 28, 2006 through September 26, 2006. Before the close of this second review of the proposed CEQA document, staff was contacted by the Chairwoman of the Ohlone, Costanoan, Esalen Nation who expressed that the Project was subject to the State of California required SB18 Tribal Consultation process because the applicant's proposal included a General Plan Amendment. The Subdivision Committee continued the item (again) for two weeks so that staff and the applicant could engage the appropriate process for notifying and participating the tribes identified by the NAHC (California Native American Heritage Commission).

While not requiring recirculation of the environmental document under Sections 15073.5(c) and 15074.1(c) of the California Environmental Quality Act, additional measures to protect potential

unearthing of cultural resources have been suggested by the two tribes required to be included in the SB18 consultation process:

- Gary Macagni, Contemporary Lead of the Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties declined to consult with the County of Monterey on this Project yet entered into a Memorandum of Understanding with the property owner to have a tribal monitor present during rough grading activities for infrastructure (See Exhibit F).
- Donna Haro of the Xolon Salinan Tribe suggested enhancing Conditions 12, 41, and 46 to include additional assurances of resource protection. (A comment was made on landscaping Condition 57). The Subdivision Committee accepted the tribe's recommendations and a motion was made to incorporate the changes to Conditions 12, 41, 46 and 57.
- The Ohlone, Costanoan, Esalen Nation was not identified by the California Native American Heritage Commission for purposes of SB18. Upon staff receiving the first and only call from the Chairwoman in September, staff e-mailed the staff report and Initial Study and proposed Mitigated Negative Declaration to her. Staff has had no further contact from the Ohlone, Costanoan, Esalen Nation.

Following the Subdivision Committee recommendations to the Planning Commission and Resolution, staff has included new Mitigation Measure #10 in the proposed Mitigation Monitoring Reporting Program to assure the presence of the Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties during rough grading activities. This new mitigation measure is equivalent or more effective than the County's standard language for protection of cultural resources. Staff has enhanced the CEQA Finding and supporting Evidence to document the addition of the new mitigation measure to protect cultural resources.

Lastly, staff suggests removing the modified language to Condition #46 requested by the Xolon Tribe and recommended for approval by the Subdivision Committee. Staff believes that the additions to #12 and #41 requiring notification of the tribe should cultural resources be found during construction or subsequently by homeowners are sufficient under the circumstances. Imposition of an annual inspection of the natural drainage area and cultural resource areas after rainy seasons and the preparation of an annual report as suggested by the Xolon Tribe would be problematic under CEQA. What is the rough proportionality and nexus of the project's impacts on drainage and exposure of cultural remains, versus natural and seasonal water movement and natural erosion processes? Who would prepare and pay for the annual report and to whom would it be submitted? The ability of the County to monitor such a condition *forever* would also be difficult. The bottom line is that, if and when discovered, the tribes want to know what was found and to record them. These controls are incorporated in standard county language and the modifications to #12 and #36.

No other significant environmental issues have been identified for the project. A Mitigation Monitoring and Reporting Program (MMRP) table has been assembled and attached to this document as Exhibit D. This MMRP summarizes and details responsibility to provide project mitigation to assure a less than significant impact to the environment. A Condition of Approval has been included to implement the MMRP.

ANALYSIS:

This Section addresses the components of the Combined Development Permit request before the County: The General Plan Amendments, the Zone Change Requests, the Standard Subdivision Vesting Tentative Map, the Use Permit Request for the Mutual Water System and commercial uses, and the General Development Plan proposal for the Heavy Commercial (HC) zoned properties along New Pleyto Road. Discussion of the proposed project in the context of the Monterey County 2002-2008 Housing Element has also been included.

General Plan Amendment and Zone Change

As described above, the applicant wishes to increase the development density on the westernmost portion of the subject property. Presently, the General Plan Land Use Map and Zoning Map designates this area as appropriate for rural densities of 5.1-acres per unit. The applicant would prefer to reconfigure approximately 15.3 of these western acres to accommodate Low Density Residential lots with several as small as 1 acre. The applicant at the August 10, 2006 Subdivision Committee hearing requested / clarified that, while they are proposing increased densities on only 15.3 acres of the rural designated properties, their desire is to amend and rezone the entire 40+/- acre western parcel as Low Density Residential and add the B-6 (no further subdivision) designation.

To increase to the desired density, the County would need to approve amendments to both the General Plan Land Use Map and the Zoning Map. If it deems it to be *in the public interest*, the legislative body may amend all or part of an adopted general plan (California Government Code Section 65358). The General Plan may be amended to reflect changing community values, conditions, and needs. The Plan should only be considered for amendment when the County determines, based on new information, that a change is necessary (1982 Monterey County General Plan, Chapter VI, Plan Implementation).

In considering a General Plan Amendment, the following questions are helpful to frame the discussion of *when* a change is necessary:

- Do public health, safety and general welfare warrant the change of the General Plan designation? Is there a significant public benefit, or is it in the public interest?
- What community values, conditions or needs have changed that warrant an Amendment?
- Are there changes to the area that create the need for an amended General Plan?

The applicant's proposal to increase density from 45 residential lots to 52 residential lots has no apparent sufficient public benefit to warrant amending the General Plan. The type of development proposed is a standard subdivision in a remote rural area. Innovative housing or siting is not proposed. No provisions are made to help enable a greater affordability for Monterey County residents. No new sewer treatment systems, new or more efficient transit systems, community buildings, or other items of public benefit are proposed. No apparent public health, safety or general welfare issues are proposed that warrant revision to the County's Land Use Plan for the additional seven market rate properties as shown in Lot Pattern #1.

There are no known changes to the area that create the need for an amended General Plan to increase the residential unit yield by seven units. The current General Plan and Zoning provide for a small residential cluster in this area, and appear sufficient to meet demand in the Jolon / New Pleyto area. Without an apparent and compelling public benefit to allowing the applicant seven additional residential lots, and no apparent public health, safety and general welfare issues

that lead to a need for creating seven more market rate residential properties in a rural area of the County, staff recommends denying the General Plan Amendment to increase rural area residential density on the western 40 acres. As such, staff cannot support the Rezone as well.

The applicant submitted an e-mail to staff and letter to Commissioner Jay Brown on August 1, 2006 (Exhibit G) outlining his reasons for requesting a General Plan Amendment and Rezone Request. The new information does not affect staff's recommendation to deny the above described General Plan Amendment and Rezone request. The following sections analyze Lot Pattern #2 as described above.

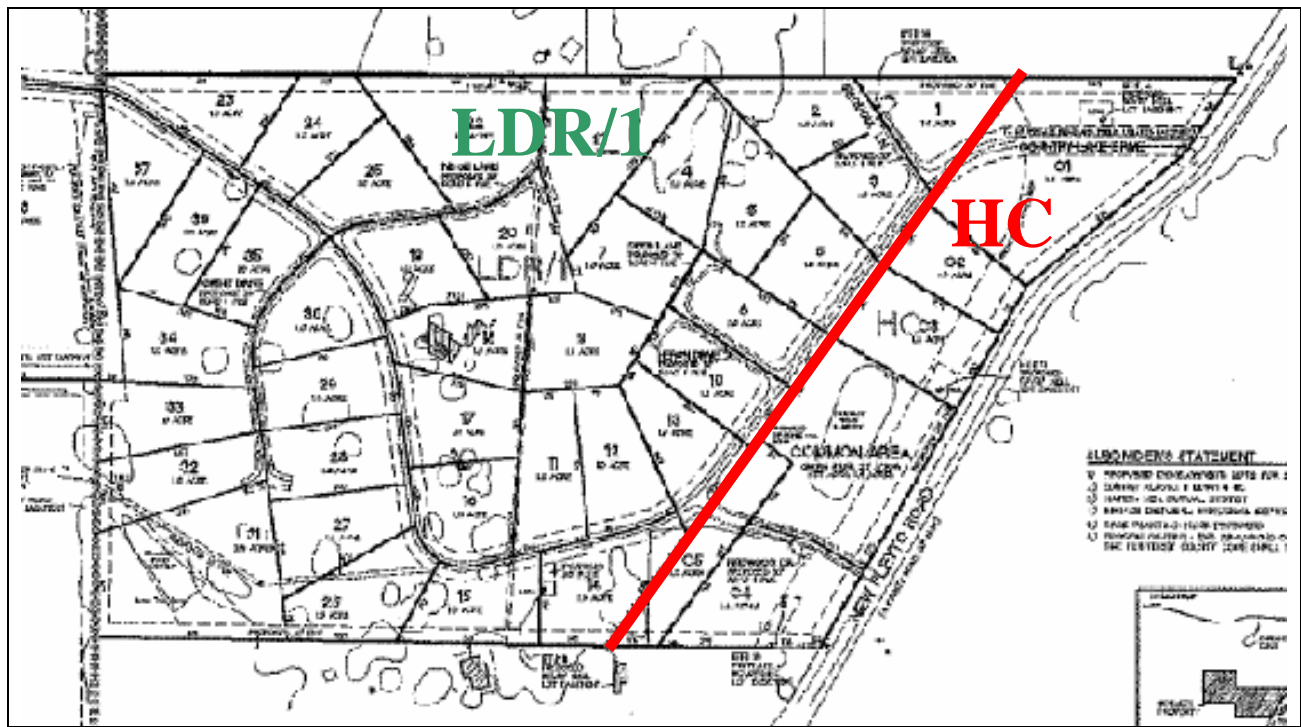
Proposed Adjustment to the LDR/HC Boundary

A late discovery preceding the August 10, 2006 Subdivision Committee meeting revealed that the applicant's development proposal for the eastern areas adjacent to New Pleyto Road had not followed Official County Zoning Maps. To clarify, the 52+/- acre eastern parcel has two general plan and zoning designations running through it. The demarcation between the residential areas and the commercial areas is not evident on the ground or by official County survey; merely an adopted map and corresponding Resolution and Ordinance by the Board of Supervisors describing the addition of a Commercial General Plan Designation and a HC Heavy Commercial Zoning Designation to the property in 1994. Upon review of the Resolution, Ordinance and Official Map, it was determined that the Official Map is correct and had been drawn from exhibits submitted in a 1994 General Plan and Rezone Request application (File# PC94115). This effectively confirmed that the applicant had presented a proposal with residential parcels configured on Heavy Commercial designated areas.

To avoid redrawing the proposed November 2005 Vesting Tentative Subdivision Map the applicant proposed that the County General Plan Map and Zoning Map be adjusted to reflect the lot configurations and district boundaries as drawn on his November 2005 Vesting Tentative Subdivision Map, effectively reducing the Commercial (HC) areas by approximately 2.5 acres, and expanding the Low Density Residential (LDR/1) area by approximately 2.5 acres. (See Graphic below and next page.)

No additional physical impacts than were reviewed and analyzed in the first circulation of the Initial Study result from the amended Project Description in this regard because the map was not reconfigured. The applicant has requested the General Plan Amendment and Zone Change to implement the development proposal.

| |
|---|
| <p>This Figure shows the applicant's eastern subject parcel (APN 423-251-034) which is 52 +/- acres in area. Staff has highlighted the requested demarcation of the Heavy Commercial district and the Low Density Residential District.</p> |
|---|



This Figure illustrates the County Zoning Map overlaid on the applicant's Vesting Tentative Subdivision Map. The shaded area is the difference between the Official Map and the applicant's request to adjust the demarcation between the districts. An adjustment of approximately 2.5 acres.



The proposal to revert approximately 2.5 acres of Commercial designated areas back to Low Density Residential on APN: 423-071-059-000 represents a fine tuning of the rezoning request

approved by the Board of Supervisors in December 1994 (Resolution 94-515 and Ordinance 03804) for the following reasons:

- a) The 1982 General Plan, prior to the amendment, designated this area as Low Density Residential.
- b) In the twelve years that have passed since the approval of Resolution 94-515 and Ordinance 03804 allowed Heavy Commercial Zoning Designation, no subdivision or development requests have been received or processed for the subject property APN: 423-251-034-000, other than the current proposal.
- c) The adjustment of reducing approximately 2.5 acres of commercially designated land area still allows the development of commercial uses on approximately 10 acres of the subject property.
- d) The adjustment of increasing approximately 2.5 acres of residential designated property, simply reverts these areas to the pre-1994 General Plan and Zoning designations.
- e) There are no apparent public health, safety or general welfare issues that staff has identified that would cause concern in reducing the Commercial areas by approximately 2.5 acres and allowing the preexisting (1994) low density residential designation to return to these areas.

Approval of the adjustments to the commercial and residential boundaries would allow the applicant's present development proposal of 45 residential parcels and five commercial properties (necessary for both Lot Pattern #1 and Lot Pattern #2). Without approval of the adjustments to the Commercial and Residential demarcation, the applicant would be required to revise the November 2005 Vesting Tentative Map submittal to reflect the zoning boundaries as shown on Official County Maps and documents.

Monterey County 2002-2008 Housing Element

The subject project area adjacent to New Pleyto Road is not identified as one of the seven Community Areas targeted for new residential growth in the Monterey County 2002-2008 Housing Element. Pleyto is listed as a Rural Center. Goal H-2 *Jobs/Housing Balance and Infrastructure* is stated as, "Increase housing supply in areas that can be served with regional infrastructure and are in close proximity to job locations." Policy H-2.2 *Housing Phased with Infrastructure and Jobs* states that, "All new residential subdivision shall be timed to be current with provision of public services and infrastructure and in keeping with job development."

According to the discussion of Rural Center policy direction in the March 31, 2005 Memorandum to the Board of Supervisors from Scott Hennessey and Charles McKee for General Plan Study Session #1 (Exhibit I), "There is no consensus ... for development outside designated Community Areas." "Areas identified as rural centers would be the focus of studies after the Community Plans are complete." "Although neither Lockwood nor Pleyto have significant development pressure or realistic possibility of sewer system, they were identified in GPU3 as locations that desired to have the ability to develop."

"Until criteria are established, there would be no development beyond the minimum density and intensity of development allowed by the basic zoning of the property."

Lot Pattern #2 of the applicant's proposal is consistent with the minimum density and intensity of development allowed by the basic zoning of the property, with a minor adjustment or

clarification to the Commercial and Residential boundary. As the subject property includes approximately 10 acres of Heavy Commercial areas, the potential remains for new commercial and new employment to be established here. Whether new Country Lake Estates residents will venture to employ themselves locally in these exact commercial areas, or whether new commercial entrepreneurs chose to build and develop a home adjacent to their new business is speculative at best. See discussion below on the applicant's Proposed General Development Plan.

Standard Subdivision Vesting Tentative Map

As discussed above and in the Land Use and Planning Section of the Initial Study, Lot Pattern #2 is consistent with the densities of the existing General Plan and allowances for Rural Density Residential, Low Density Residential and Commercial Land Uses. The Lot Pattern #2 lots have been laid out consistent with the existing zoning designations and the adjustments proposed for the HC/LDR demarcation. The parcel sizes for the Heavy Commercial areas are at the discretion of the Planning Commission and review of the applicant's general development plan, which will be discussed further on.

Layout and Design. Staff has reviewed the Country Lake Estates Vesting Tentative Subdivision Map proposal and believes that the applicant's proposal is consistent with the 1982 General Plan, South County Area Plan and Subdivision Ordinance. The Vesting Tentative Subdivision Map (VTM) (Lot Pattern #2) proposes to create 45 market rate residential parcels, five commercial parcels and one Common Area Parcel between Lots C3 and C4. The Common Area Parcel has been configured to mainly accommodate the Drainage Pond. The pond will meter project runoff to not exceed predevelopment flows and will be maintained by the homeowners association.

Access: Access is from two proposed roads along New Pleyto Road: Country Lake Drive and Redwood Drive. Country Lake Drive would serve as the main spine east to west through the 92 acres; several smaller lanes and drives will provide access to lots that do not have frontage along Country Lake Drive: Sequoia Lane, Heron Drive, Ridge Lane, Crest Drive and Quail Drive. Quail Drive would not be necessary with approval of Lot Pattern #2 as Country Lake Drive would provide sufficient access to Lots 43-A, 44-A and 45-A.

Parks: After meeting with the Monterey County Parks Department to develop an appropriately located and sized park site for the project, an easement for recreation purposes has been sited on proposed Lot 38. The Parks Department has offered five conditions of Approval in Exhibit D. The precise acreage of parkland dedication will be determined after calculating the appropriate amount of "credit" for the recreational improvements to be installed by the applicant. Lot #38 and other parcels may need to be reconfigured should the County not accept the Park Location as an Easement on a 5.1 acre residential property.

Lot Design (Section 19.10.030 of Title 19 Subdivision Ordinance): Lot Pattern #2 meets and exceeds the minimum lot size, lot width, and depth requirements of the ordinance. Double frontage lots have been avoided. Due to the natural drainage and easement along New Pleyto Road, the Commercial properties will be accessed from Country Lakes Drive and will include a proposed 3 foot berm along the drainage easement.

Slopes: While portions of the property have slopes in excess of 30%, infrastructure, lot patterns and building envelopes have been sited in such a way as to avoid these areas. Proposed lots #2, 4, 5, 7, 21, 22, 24, 25, 40, 41, and 42 include such slopes. According to the Slope Density Map dated March 28, 2004, the proposed lot patterns include sufficient areas for septic systems and building envelopes to avoid impacting these protected resources. Staff has included a standard Monterey County condition of approval requiring the Scenic Easements be adopted over those areas that exceed 30 % slope.

Septic: Sewage disposal will be provided by individual septic tanks and leach fields on less than 20% slope. The Health Department has included a condition of approval for the applicant to submit an updated map indicating all proposed septic envelopes to the Division of Environmental Health for review and approval. Once approved the septic envelopes shall appear as part of the final/parcel map.

Storm Drainage and Percolation: Drainage pond facilities have been proposed along New Pleyto Road north of Redwood Drive in the commercially zoned “Common Areas.” A second pond has been sited on lot 31. The proposed subdivision would result in an increase in impervious surfaces and subsequent runoff. However, it would not exceed the capacity of existing or planned stormwater drainage facilities. The Water Resources Agency has reviewed the proposed subdivision and recommended ten standard conditions of approval and two non-standard conditions of approval.

Grading: Grading figures have not been estimated at this time, and will not be refined until such time as the final lot pattern and the extent of road construction determined. Home construction is not proposed at this time. No grading is proposed on 30% or greater slopes. The MBUAPCD, as described above, has recommended mitigation measures to assure that daily and project wide activities will not exceed the thresholds of the district. Staff believes that any potential impacts regarding grading can be addressed through the MBUAPCD mitigation and standard county regulations for grading activities.

Affordable Housing Requirements: Depending on how many lots are ultimately approved, the exact figures for the applicant’s contribution for compliance with the County’s Inclusionary Ordinance are still in flux and won’t be apparent until the project approval is final. Staff has underlined figures below that reflect staff’s recommendation.. According to the Redevelopment and Housing Division memo to staff August 3, 2006:

“The project currently consists of a General Plan Amendment, Rezoning, Standard Subdivision, and Use Permit that will result in either 52 residential lots (Plan #1) or 45 residential lots (Plan #2) and five commercial lots. There are no existing residential units located on the project site. The project is subject to the County’s Inclusionary Ordinance (#04185) which requires that projects contribute an amount equal to 20% of the total number of new residential lots/units being created. As part of the project application, the applicant has requested that he be allowed to pay an in-lieu fee instead of supplying on-site Inclusionary Units. On September 14, 2005 the Monterey County Housing Advisory Committee considered the applicant’s request that the project be allowed to comply with the Inclusionary Housing Ordinance by paying an In-Lieu Fee instead of providing units on the project site. The Housing Advisory Committee discussed the request and the members

present at the meeting (there was not a quorum) indicated that, given the project location and design, the Planning Commission should approve this in-lieu request.

The In-Lieu fee is based on the adopted In-Lieu Fee Schedule in effect at the time that the application is deemed complete. The following calculation is based on the current Fee Schedule (dated 2000):

Lot Pattern #1

52 lots x .20 = 10.4 Inclusionary Units

Fee for each Inclusionary Unit required located in the South County Planning Area = \$22,950. $\$22,950 \times 10.4 = \mathbf{\$238,680}$

Lot Pattern #2

45 lots x .20 = 9.0 Inclusionary Units

Fee for each Inclusionary Unit required located in the South County Planning Area = \$22,950. $\$22,950 \times 9.0 = \mathbf{\$206,550}$

A Condition of Approval has been recommended to reflect these numbers. This is the present estimate. The applicant may receive credit for one or as many as four of the existing residences on the subject property, thereby reducing the applicant's financial obligation.

Subdivision Findings: Section 19.05.055 B of the Monterey County Subdivision Ordinance and the California Subdivision Map Act (Section 66474) requires that a subdivision be denied if any one of the findings of that section are made. Planning staff has analyzed the project against the findings for denial outlined in that section and can not make these findings for Lot Pattern #2 (subject to the staff's recommended actions on the General Plan Amendment and Rezone requests as discussed above and included in the Findings). Staff recommends that the Country Lake Estates subdivision Lot Pattern #2 be approved for the following reasons:

- The map and its design and improvements would be consistent with the Monterey County General Plan and the South County Area Plan (as adjusted at the HC / LDR demarcation).
- The site has been determined to be physically suitable for the type and density of development.
- The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems
- The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

Use Permit Request for Mutual Water System

According to the Zoning Code, water systems facilities including wells and storage tanks serving fifteen or more service connections, require a Use Permit in the LDR and RDR zoning designations. On May 8, 2006 the Department of Environmental Health accepted the applicant's project submittal as complete and has recommended twelve (12) standard conditions and two (2) non-standard conditions of approval.

These have been included in Exhibit D and include the following conditions related to the Mutual Water System proposed: EH1 – Water System Permit, EH2 – Water System Improvements, EH4 – Fire Flow Standards, EH5 – Install / Bond Water System Improvements, EH44 – Well Lots, and ESP02 – Capital Reserve Account for Mutual Water Co.

General Development Plan for Commercial Uses

Previously, the applicant had desired to use the five proposed Heavy Commercial lots for Christmas Tree Cultivation, Recreational Vehicle (RV) Storage, Boat and Auto Sales and Open Air Retail and Wholesale Sales. Presently, the applicant wishes to continue the existing RV and Automobile storage, and to allow those uses across the other commercial properties. The applicant's main objective is to develop the residential properties and would rather not forecast the development of the commercial areas at this time, yet County Code requires that a General Development Plan be proposed and reviewed by the Planning Commission. Staff has included the following language in Condition #2 that would describe the allowed uses under the applicant's requested General Development Plan:

Portion of Condition #2. "New automobile and recreational vehicle storage operations planned for undeveloped commercial properties C1, C2, and C3 shall be subject to review and approval of a formal site plan prepared by the applicant and will be reviewed for consistency with County policy in regard to landscaping, appropriate visual screening, unobtrusive lighting, signage, drainage, surface water quality protection and compliance with codes and requirements from County Land Use Agencies. Building permits may be required."

Ideally, staff would prefer to see new service businesses that would serve the needs of the new 150+ residents should the Country Lake Estates project be approved; businesses or services that would negate the need for travel for *everything* needed to sustain a household (hardware, dry goods, grocery, prepared food, mailing and post services, hair cutting, a filling station, etc.) Yet staff understands that this is a remote area of the County and that existing businesses in the vicinity are marginal. Venturing capital to new commercial enterprises in this remote area at this time would be exploratory and possibly infeasible. Should the Planning Commission conclude though that there are potential compatibility issues with a new residential neighborhood developing behind RV and automobile storage instead of other commercial uses, the Planning Commission could deny the Use Permit Request for Outdoor RV and Automobile Storage and the proposed General Development Plan and require the applicant to present an alternative.

Considering the context of existing similar uses in the vicinity and the relationship to recreation activities at Lake San Antonio, staff recommends accepting the applicant's proposed "status quo" General Development Plan at this time. The recommended condition offered by staff would allow sufficient review and discretion to see that future development of RV and Auto Storage would meet County standards. Should future owners or the applicant desire uses not described in the General Development Plan, that applicant would be required to prepare an Amended General Development Plan for review and approval by the County. Depending on the future use proposed, additional environmental review may also be required.

PUBLIC COMMENT

Prior to the August 10, 2006 Subdivision Committee meeting, staff was contacted by one local resident who had concerns with the applicant's approach and methodology of water testing and expressed concerns for his personal wells and his neighbors' wells. Staff spoke with the Department of Environmental Health who is most involved in these matters and was assured that the hydrologic testing and proving of the water system meets County Standards. During the public hearing the Department of Environmental Health again addressed this neighbor's concerns. The Subdivision Committee was assured that proper review and oversight of the water system and its testing were to County standards.

CONCLUSION:

While not the applicant's first choice of scenarios, Lot Pattern #2 has been presented as a subdivision design that meets adopted County standards and regulations, subject to the recommended Findings and Evidence to deny conversion of the Rural Residential Area to Low Density Residential and add the B-6 overlay.

Subject to the positive Findings staff has recommended that would enable Lot Pattern #2, the applicant has proposed a project (Lot Pattern #2) that is consistent with the 1982 General Plan, South County Area Plan, Subdivision Ordinance, Health Department criteria and the recommended approval by the other land use agencies subject to conditions and mitigation measures being implemented.

As discussed above, the applicant has not demonstrated a significant public interest to warrant modifying the General Plan Land Use Map or Zoning Maps to increase the development potential of the project by seven units. The Recommended Findings and Evidence in Exhibit C reflect this.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY.** The project proposed in this application, consisting of a Combined Development Permit and Vesting Tentative Subdivision Map (**Country Lake Estates: File #s GPZ060006 / PLN040103**), as described in Condition #1 for Lot Pattern #2, conforms with the policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, South County Area Plan, and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications.
 - i. The 1982 Monterey County General Plan
 - ii. The South County Area Plan.
 - iii. Chapters of the Monterey County Zoning Ordinance: 21.14 Regulations for Low Density Residential Zoning Districts; 21.16 Regulations for Rural Density Residential Zoning Districts; 21.20 Regulations for Heavy Commercial Zoning Districts; 21.76 Combined Development Permits; and 21.74 Use Permit for Mutual Water Systems;
 - iv. Chapters 19.03, 19.05 and 19.10 of the Monterey County Code Title 19 Subdivision Ordinance.

No conflicts were found to exist.

- (b) The property is located at 70850 & 70970 New Pleyto Road, Bradley (Assessor's Parcel Numbers 423-071-059-000 and 423-251-034-000), South County Area Plan. The parcels are zoned RDR/5.1 (Rural Density Residential, 5.1 acres per unit) and LDR/1 (Low Density Residential 1 acre per unit). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (c) The project planner conducted site inspections in 2004, 2005 and 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The Department of Environmental Health (DEH), determined that the required reporting and documentation and observance of pump tests at the property meet County standards. The project was deemed complete by DEH and conditions of approval have been recommended.
- (e) The project includes a request for a Vesting Tentative Subdivision Map (Lot Pattern #2), Mutual Water System, and General Development Plan inclusive of RV Storage.
- (f) No Land Use Advisory Committee (LUAC) currently represents this area, therefore, no recommendation from such a group has been made.
- (g) The application, plans, and related support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development found in Project Files GPZ060006 and PLN040103.

(h) See the following findings and related evidence.

2. FINDING: SITE SUITABILITY. The site is physically suitable for the use proposed.
EVIDENCE:

- (a) The proposed development has been reviewed by the Monterey County Planning Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, Redevelopment and Housing Division, and the applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements.
- (b) Technical reports by Biological, Archaeological, Geological, Geotechnical and Traffic consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - 1. *Project Specific Hydrological Report-Country Lake Estates New Pleyto Road, Bradley, California (LIB060151). Prepared by Geomatrix Consultants, April 2005.*
 - 2. *Project Specific Hydrological Report-Country Lake Estates New Pleyto Road, Bradley, California (no Library number as of the publishing of the staff report). Prepared by Geomatrix Consultants, March 2006.*
 - 3. *Geologic Hazards Investigation 70850 and 70970 New Pleyto Road Bradley, Monterey County, California 93426. (LIB060175) Prepared by Sierra Delta Corporation (DRC) 2004.*
 - 4. *Percolation Data Report-Leach Line Method. (LIB060185) Prepared by Mid-Coast Geotechnical Inc. (MCG) April 23, 2004.*
 - 5. *Percolation Data Report-Leach Line Method. (LIB060208) Prepared by Mid-Coast Geotechnical Inc. (MCG) August 25, 2004.*
 - 6. *Cultural Resources Survey (Library 060186). Prepared by C.A. Singer & Associates, Inc. March 27, 2004.*
 - 7. *Archaeological Resources -An Evaluation and Assessment (Library 060189). Prepared by C.A. Singer & Associates, Inc. May 30, 2004.*
 - 8. *Geological and Geophysical Survey for Water Well Location, Proposed Subdivision, Lake San Antonio Area Monterey County, California (LIB060173) Prepared by Geoconsultants, Inc. July 31, 2004.*
 - 9. *Biological Resources Survey (LIB060187). Prepared by Craig Hohenberger, dated March 21, 2004.*

- (c) Staff conducted site inspections in 2004, 2005 and 2006 to verify that the site is suitable for this use.
- (d) Materials in Project Files GPZ060006 and PLN040103.

3. FINDING: CEQA. The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File# PLN040103 in the Planning Department). All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Condition Compliance and Mitigation Monitoring Reporting Plan (hereafter “the MMRP”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The MMRP is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning Department, located at 168 W. Alisal Street 2nd Floor, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE:

- (a) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development, found in the project file.
- (b) With assistance by County Consultant Rincon Consultants of Paso Robles, California, County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on June 23, 2006, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:
 - 1. Project Application and Plans (dated February 14, 2004).
 - 2. Interdepartmental Review Agency Comments.

3. C.A. Singer & Associates: Cultural resources survey and impact assessment for a 91 acre property near the town of Lockwood in Monterey County, CA (APN 423-071-059 and 423-251-034) March 2004. Archaeological resources at APN 423-071-059 and APN 423-251-034: an evaluation of site CA-MNT-2191 and assessment of projected impacts associated with the proposed Country Lake Estates Subdivision, May 2004.
4. Department of Water Resources (DWR), March 2003, California's Groundwater-Bulletin 118, Update 2003, Lockwood Valley Groundwater Basin.
5. Dibblee, T.W., Jr., 1971, Geologic Map of the Bradley 15' Quadrangle, California: U.S. Geological Survey Open File Report.
6. Durham, D.L., 1966, Geology of Hames Valley, Wunpost, and Valleton Quadrangles, Monterey County, California: U.S. Geological Survey Bulletin 1221-B.
7. Environmental Data Resources Inc (EDR). The EDR Radius Map with GeoCheck®, Country Lake Estates 70850/70970 New Pleyto Road Bradley, California. April 10, 2006.
8. Furgo 2002, El Pomar-Estrella Area Plan Update: Environmental Impact Report.
9. Geomatrix Consultants 2005, Project Specific Hydrological Report-Country Lake Estates New Pleyto Road, Bradley, California.
10. Sierra Delta Corporation (DRC) 2004, Geologic Hazards Investigation 70850 and 70970 New Pleyto Road Bradley, Monterey County, California 93426.
11. Mid-Coast Geotechnical (MCG) (2004). Percolation Data Report-Leach Line Method.
12. Mixed Water Quality & Laboratory Reports, Country Lake Estates, May 9, 2005.
13. Monterey County General Plan, adopted September 30, 1982.
14. Monterey Bay Unified Air Pollution Control District. June 2004. *CEQA Air Quality Guidelines*.
15. September 2004. *2004 Air Quality Management Plan for the Monterey Bay Region*.
16. Pinnacle Traffic Engineering, 2004, Country Lake Estates Project; Monterey County, California Draft Traffic Impact Report.
17. Solid Waste Information Service (SWIS). State of California Integrated Waste Management Board.
<http://www.ciwmb.ca.gov/SWIS/detail.asp?PG=DET&SITESCH=27-AA-0005&OUT=HTML>
18. Hohenberger, Craig. Biological Resource Survey. March 21, 2004.
19. Regional Water Quality Control Plan.
20. Site visit by Rincon Consultants on April 18, 2006.
21. California Department of Forestry and Fire Protection. Fire planning and Mapping Tools, <http://wildfire.cr.usgs.gov/fireplanning/>
22. Art Black, CDF Fire Consultant. April 12, 2006.
23. Matt Mihalco – Bradley CDF station Representative, California Department of Forestry and Fire Protection.

24. Fred Garcia – Commanding Officer, South County Sheriffs Station. April 12, 2006.
 25. Faey Wells - San Antonio Union School District Representative. April 10, 2006.
 26. Jeanne Howland – King City High School District Representative. May 25, 2006.
 27. David Mesa – Engineering Manager, Salinas Valley Solid Waste Authority. April 13, 2006.
 28. US Census Bureau. State & County Quick Facts, <http://quickfacts.census.gov/qfd/states/06/06053.html>
 29. Association of Monterey Bay Area Governments (AMBAG. 2004 Population, Housing Unit, and Employment Forecast. Adopted April 14, 2004.
 30. Pinnacle Traffic Engineering, Traffic Impact Report Supplement. August 16, 2006.
- (c) Mitigation Measure #10 to assure less than significant impact to Cultural Resources. While not requiring recirculation of the environmental document under Sections 15073.5(c) and 15074.1(c) of the California Environmental Quality Act, additional measures to protect potential unearthing of cultural resources have been suggested by the two tribes included in the SB18 consultation process. Additions to Conditions #12 and #41 require notification to the Xolon Salinan Tribe should cultural resources be unearthed during construction or discovered by subsequent homeowners. Mitigation Measure #10 in the proposed Mitigation Monitoring Reporting Program has been added to assure the presence of a monitor from the Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties during rough grading activities. The applicant has signed a Memorandum of Understanding to this effect. This new mitigation measure is equivalent or more effective than the County's standard language for protection of cultural resources.
 - (d) The Program for Mitigation Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.
 - (e) No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.
 - (f) Studies, data and reports prepared by staff from various County departments including the Planning Department, Public Works, Environmental Health and Monterey County Water Resources Agency and Redevelopment and Housing support the adoption of the Mitigated Negative Declaration for the project.

- 4. FINDING: FISH AND GAME FEES** – Filing of Notice of Determination. For Purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE:

- (a) Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Implementation of the project described herein will affect changes to native and non-native plant life and soils, and the biological analyses identified potential impacts to wildlife and special status species.
- (b) Initial Study and Mitigated Negative Declaration contained in the project file.
- (c) Evidence in Finding 3.

- 5. FINDING: GENERAL PLAN AMENDMENT DENIED.** (The request to amend the Rural Residential Designation to Low Density Residential on APN: 423-071-059-000; Approximately 40+/- acres is denied). If it deems it to be *in the public interest*, the legislative body may amend all or part of an adopted general plan (California Government Code Section 65358). The General Plan may be amended to reflect changing community values, conditions, and needs. The Plan should only be considered for amendment when the County determines, based on new information, that a change is necessary (Monterey County General Plan, Chapter VI, Plan Implementation).

EVIDENCE:

- (a) The proposal to increase density from 45 residential lots to 52 residential lots does not have sufficient benefit to the public interest to cause an amendment to the General Plan.
 - 1. The type of development is a standard subdivision in a remote rural area.
 - 2. Innovative housing or siting is not proposed.
 - 3. No provisions are made to help enable a greater affordability for Monterey County residents.
 - 4. No new sewer treatment systems, new or more efficient transit systems, community buildings, or other items of public benefit are proposed.
- (b) There are no apparent public health, safety or general welfare issues that staff has identified to warrant revision to the County's Land Use Plan for the additional seven market rate properties.
 - 1. An increase in development density on a 40 acre portion of the proposal is not necessary to serve a compelling public health, safety or general welfare issue identified in this region.
- (c) There are no known changes in the area that create the need for an amended General Plan.
 - 1. There are no other applications for subdivision within the area proposed for more intense development in this rural area.
 - 2. There are existing, vacant parcels in the immediate vicinity with Low Density Residential designations.

- 6. FINDING: GENERAL PLAN AMENDMENT APPROVED.** (The request to revert approximately 2.5 acres of Commercial to Low Density Residential on APN: 423-251-034-000 is approved). If it deems it to be *in the public interest*, the legislative body may amend all or part of an adopted general plan (California Government Code Section 65358). The General Plan may be amended to reflect changing community values, conditions, and needs. The Plan should only be considered for amendment when the County determines, based on new information, that a change is necessary (Monterey County General Plan, Chapter VI, Plan Implementation).

EVIDENCE:

- (a) The proposal to revert approximately 2.5 acres of Commercial designated areas to Low Density Residential on APN: 423-071-059-000 represents a fine tuning of the rezoning request made to and approved by the Board of Supervisors in December 1994 (Resolution 94-515 and Ordinance 03804).
 - 1. The General Plan Amendment and Rezone request approved by Resolution 94-515 and Ordinance 03804 allowed Heavy Commercial Zoning Designations to be applied to areas previously designated solely for Low Density Residential Development.
 - 2. The adjustment that would allow changing approximately 2.5 acres of commercially designated land areas to residential still allows the development of commercial uses on approximately 10 acres of the subject property.
 - 3. The adjustment of increasing approximately 2.5 acres of residential designated property reverts these areas to the pre-1994 General Plan and Zoning designations.
 - 4. The applicant intends to provide a fence and landscaped screen between the residential areas and the commercial areas and has allowed a sufficient land area adjacent to Country Lake Drive for these amenities.
- (b) There are no apparent public health, safety or general welfare issues that would cause concern in reducing the Commercial areas by approximately 2.5 acres and allowing the preexisting (1994) low density residential designation to return to these areas.
 - 1. When the Board of Supervisors approved Resolution 94-515 and Ordinance 03804 (converting approximately 12.5 acres of the subject Low Density Residential property to Commercial and Heavy Commercial, they found that the proposed amendment had no significant impact on the environment, and that the conversion of the residential areas to commercial areas, would not under the circumstances be detrimental to the health safety, peace morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
 - 2. The Board also found that the 1994 application for Amendment and Rezone would provide for future development.
 - 3. The applicant's present proposal is for subdivision and the provision of both low density residential development and the creation of commercially designated parcels

- (c) There are potential changes in the Commercial and Low Density Residential areas that may create the need for an amended General Plan.
 - 1. While several small residences and a fenced recreational vehicle and storage area have been present for many years, no development proposal on the subject property has been forthcoming in the ten years from the Board's 1994 action; it could be argued that simply having such a development proposal on the table is a change.
 - 2. Approval of the adjustments to the commercial and residential boundaries would allow the applicant's present development proposal of 45 residential parcels and five commercial properties.
 - 3. Without approval of the adjustments to the Commercial and Residential demarcation, the applicant would be required to revise the November 2005 Vesting Tentative Map submittal to reflect the zoning boundaries as shown on Official County maps and documents.

7. **FINDING: ZONE CHANGE DENIAL** (The request to rezone the RDR/5.1 (Rural Density Residential 5.1 acres per unit) zoning designation to LDR/1 (Low Density Residential 1.0 acre per unit) zoning designation on APN: 423-071-059-000; Approximately 40+/- acres is denied). A zone change may be allowed to provide consistency with the General Plan and existing land uses, or to serve a greater public purpose.

EVIDENCE:

- (a) The Zone Change request does not correct an existing or perceived mapping error or inconsistency in official county documents.
- (b) The Subdivision Committee has recommended against the applicant's General Plan Amendment request to change the Rural Density Residential designation to Low Density Residential. A Rezone from RDR/5.1 to LDR/1 would not be consistent with the General Plan unless the General Plan is amended by the County.
- (c) The Zone Change request from RDR/5.1 to LDR/1 is not necessary to implement the applicant's proposed Lot Pattern 2, as recommended by the Subdivision Committee.

8. **FINDING: ZONE CHANGE APPROVED** (The request to revert approximately 2.5 acres of HC (Heavy Commercial) zoning designation back to LDR/1 (Low Density Residential 1 acre per unit) zoning designation on APN: 423-251-034-000 is approved). A zone change may be allowed to provide consistency with the General Plan and existing land uses, or to serve a greater public purpose.

EVIDENCE:

- (a) The Zone Change request refines and enables the 1994 decision by the Board of Supervisors to allow commercial and residential development on the subject parcel, although it does not correct an existing or perceived mapping error or inconsistency in official county documents.
- (b) The Subdivision Committee approval of the applicant's General Plan Amendment request to reduce the Commercial designated areas by approximately 2.5 acres and increase the Low Density Residential areas by approximately 2.5 acres. A Zone Change request to revert approximately 2.5 acres of HC (Heavy Commercial) zoning designation back to LDR/1 (Low

Density Residential 1 acre per unit) zoning designation on APN: 423-251-034-000 is consistent with this recommendation.

- (c) The Zone Change request is necessary to implement either of the applicant's proposed Lot Patterns 1 and 2.
- (d) Without approval of the adjustments to the HC and LDR/1 designation, the applicant would be required to revise the November 2005 Vesting Tentative Map submittal to reflect the zoning boundaries as shown on Official County maps and documents. This would affect both of the applicant's proposed Lot Patterns 1 and 2.

9. **FINDING: ZONE CHANGE DENIED** (The applicant's request to apply a B-6 Overlay to all project portions with the LDR/1 designation is denied {no further subdivision on Low Density Residential Properties}). A zone change may be allowed to provide consistency with the General Plan and existing land uses, or to serve a greater public purpose.

- (a) The applicant's proposal included a B-6 overlay zoning district to declare that no further subdivision are intended nor allowed.
- (b) As staff has recommended against the applicant's General Plan Amendment from Rural Residential to Low Density Residential and from the RDR/5.1 Zoning Designation to the LDR/1 Zoning Designation on APN: 423-071-059-000; (approximately 40+/- acres) the applicant's request to apply a B-6 overlay to these and other portions of the property is not necessary.
- (c) As the eastern balance of the residential property (the 40+/- acres of APN 423-251-034-00) as shown on the November 2005 proposed Vesting Tentative Subdivision has been divided to the near maximum density possible with most lots at the district minimum parcel size of 1.0 acres, no substantial subdivision of the eastern parcel could occur anyway, making a B-6 in these areas superfluous.
- (d) A B-6 overlay if applied to the eastern LDR/1 residential properties would make minor Lot Line Adjustments between properties unnecessarily bureaucratic and expensive, subjecting each minor adjustment to an Administrative Permit, unless an exchange of exactly equal areas is made.

10. **FINDING: SUBDIVISION.** The Subdivision Committee recommends that Lot Pattern #2 be approved. None of the negative findings found in Section 19.05.055 B of the Subdivision Ordinance can be made for Lot Pattern #2 of the proposed Combined Development Permit and Vesting Tentative Subdivision Map.

EVIDENCE:

- (a) Planning staff has analyzed the project in regard to the findings for denial outlined in Section 19.05.055 B. This section requires that the subdivision be denied if any one of the following findings are made:
 - 1. The proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.

2. That the design or improvements of the proposed subdivision is not consistent the applicable general plan, area plan, coastal land use plan, master Plan or specific plan.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title (Title 19).

As none of these findings requiring denial can be made for Lot Pattern #2, Lot Pattern #2 is supportable under the Monterey County Subdivision Ordinance.

- (b) The property provides for adequate building sites as evidenced by the application materials submitted for the site.
- (c) The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County Planning Department for the proposed development. The reports are listed above in Finding 2. The reports concluded the proposed development is suitable for the site, subject to environmental protections / mitigations and recommendations for construction.
- (d) The on-site inspections of the project site by the project planner.
- (e) Application and Plan Materials (November 2005) and application materials contained in the project file supporting Lot Pattern 2.
- (f) See the preceding and following Evidence for Findings.

11. FINDING: INCUSIONARY HOUSING. In approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: The applicant will be required to comply with the Inclusionary Housing Ordinance.

12. FINDING: The recommended conditions including the requirements related to Inclusionary Housing, recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected.

EVIDENCE:

- (a) Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance)
- (b) Section 19.12.010 of the Monterey County Code (Recreation).
- (c) Section 19.10.095 of the Monterey County Code (underground utilities)

13. FINDING: INCLUSIONARY HOUSING: The project, as conditioned, conforms with the policies and requirements of Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance #04185).

EVIDENCE:

- (a) The condition of approval that will be applied to the project is consistent with Ordinance #04185 (Monterey County Code, Chapter 18.40). County Code Section 18.40.50B.2 allows for modifications to the requirements for Inclusionary Housing based on unique, unusual or unforeseen circumstances. It is appropriate for the project to pay an in-lieu fee instead of supplying units on the project site due to the following:
 - 1. The project site is located in a relatively remote location, somewhat distant from residential services, including sewer treatment.
 - 2. The project is a large lot, rural subdivision with potentially significant property maintenance costs.
 - 3. Alternatives to individual on-site wells and septic systems that would allow for Inclusionary units to be constructed on the project site either on smaller lots or as rental units were found to be infeasible from a health and safety standpoint by the Monterey County Environmental Health Division.
- (b) On September 14, 2005 the Housing Advisory Committee (HAC) recommended that the proposed modification to allow payment of an in-lieu fee, be approved.

14. FINDING: USE PERMIT. The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE:

- (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning, Environmental Health Division, Public Works Department, the appropriate Fire District (CDF), Water Resources Agency, Parks and Recreation and Redevelopment and Housing Division. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
- (b) Adoption of the Proposed Mitigated Negative Declaration includes mitigation measures that address potential impacts to Biological Resources, Geology and Soils, and Hazards and Hazardous Materials, Air Quality and Cumulative Impacts for Regional Traffic. No other significant issues have been identified for the project.
- (c) File and application materials, Initial Study with mitigation measures, and Mitigated Negative Declaration contained in the project file.

15. FINDING: NO VIOLATIONS. The subject property is in compliance with the rules and regulations pertaining to zoning uses, subdivision, and any other applicable

provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE: The subject property is mostly vacant and undeveloped and there are no zoning violations recorded or pending to be resolved.

16. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

17. **FINDING:** The project is subject to approval by the Board of Supervisors.

EVIDENCE: The Monterey County Zoning Ordinance Title 21, Chapter 21.88.

| | |
|---|---|
| <p align="center">Exhibit D</p> <p align="center">Monterey County Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p> | <p>Project Name: <i>Country Lake Estates</i></p> <p><i>File No:</i> PLN040103 <i>APNs:</i> 423-251-034-000, 423-071-059-000</p> <p><i>Approval by:</i> Sub Committee, PC, BOS <i>Date:</i> _____</p> |
|---|---|

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|---|---|
| 1. | | <p>PBD029 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (Country Lake Estates /Hansen PLN040103 and GPZ06006) allows:</p> <ul style="list-style-type: none"> • A General Plan Amendment to change the land use designation from Commercial to Low Density Residential on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant's November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000); • A Zone change from HC (Heavy Commercial) to LDR/1 (Low Density Residential 1 acre per unit) on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant's November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000); • A standard subdivision vesting tentative map to divide two properties totaling 92 acres into 45 market-rate single family parcels ranging in size | <p>Adhere to conditions and uses specified in the permit.</p> <p>NOTE : The request for a General Plan Amendment from Rural Density Residential to Low Density Residential on approximately 40 acres of the subject property, the Zone Change request from RDR/5.1 Rural Density Residential 5.1 acre minimum parcel size to LDR/1 Low Density Residential 1 acre minimum parcel size on approximately 40 acres of the subject property, and the Zone Change request to add a B-6 overlay (no further subdivision) to all existing LDR/1 property - <u>were denied.</u></p> | Owner/ Applicant | Ongoing unless other-wise stated | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|---------------------------------------|---|
| | | <p>from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road (Lot Pattern #2);</p> <ul style="list-style-type: none"> • A use permit for a mutual water system; • A use permit to continue automobile and recreational vehicle storage on all commercial lots; and • A General Development Plan. <p>The property is located at 70850 and 70970 New Pleyto Road, Bradley. Assessors Parcel Numbers 423-251-034-000 and 423-071-059-000. South County Area Plan.</p> <p>This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA Planning Department)</p> | | | | |
| 2. | | <p>PBDSP001 - NON-STANDARD - GENERAL DEVELOPMENT PLAN - Presently only one RV and Automobile storage facility is in operation on the southern-most portion of the subject property and shall be allowed to continue contiguous within the boundaries</p> | A note containing the entirety of this General Development Plan condition shall be placed on the final map to be recorded. | Applicant / Engineer | Prior to Recordation of the Final Map | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|---------------------------------------|---|
| | | <p>of Commercial Lots C4 and C5. Automobile and recreational vehicle storage on Lots C1, C2, C3 shall be allowed subject to the following:</p> <p>New automobile and recreational vehicle storage operations planned for undeveloped commercial properties C1, C2, and C3 shall be subject to review and approval of a site plan prepared by the applicant and will be reviewed by the Director of Planning for consistency with County policy in regard to landscaping, visual screening, unobtrusive lighting, signage, drainage, surface water quality protection and compliance with codes and requirements from County Land Use Agencies. Building Permits may be required. (RMA Planning Department)</p> | As Described. | All Owner Operators and users of the Commercial Properties. | Ongoing | |
| 3. | | <p>PBDSP002 - NON-STANDARD</p> <p>In accordance with approval of the Country Lake Estates Subdivision <u>Lot Pattern #2</u> and Combined Development Permit, all construction and improvements shall be in substantial conformance to those Vesting Tentative Map documents submitted to the County November 2005. (RMA Planning Department)</p> <p>The parcel count for Lot Pattern #2 totals 50 as follows:</p> <ul style="list-style-type: none"> • Commercial Lots <u>Five</u>. Lot #s C1, C2, C3, C4, and C5. • Low Density Residential Lots <u>Thirty-Seven</u> Lot #s 1-37. • Rural Density Residential Lots <u>Eight</u> Lot #s 38-42, 43-A, 44-A and 45-A <p>Revise the final map to reflect Lot Pattern 2.</p> | Submit a Final Map showing the approved lot configuration. | Applicant / Owner | Prior to Recordation of the Final Map | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|--|---|---|
| | | | | | | |
| 4. | | PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Board of Supervisor's for Assessor's Parcel Numbers 423-251-034-000 and 423-071-059-000 on (_____)date). The permit was granted subject to 86 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning Department." Proof of recordation of this notice shall be furnished to the Director of Planning prior to issuance of building permits or commencement of the use. (RMA Planning Department) | Proof of recordation of this notice shall be furnished to PBI. A note containing the entirety of this Permit Approval Notice condition shall be placed on the final map to be recorded. | Owner/ Applicant Applicant / Engineer | Prior to Recordation of the Final Map Prior to Recordation of the Final Map | |
| 5. | | PBD016 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and | Submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County | Owner/ Applicant | Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---|---|
| | | attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA Planning Department) | | | map, whichever occurs first and as applicable | |
| 6. | | PBD012 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the <u>Notice of Determination</u> is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA Planning Department) | The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of Planning. | Owner/ Applicant | Within 5 working days of project approval. | |
| 7. | | PBD022 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. | 1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits | Owner/ Applicant | Within 60 days of project approval | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|---------------------------------------|---|
| | | Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA Planning Department) | the signed mitigation monitoring agreement. | | | |
| 8. | | PBDSP003 - NON-STANDARD - FINAL MAP TO SHOW SCENIC EASEMENTS - DOCUMENTS TO BE PREPARED FOR EACH AFFECTED PARCEL A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent. A scenic easement deed shall be submitted to, and approved by, the Director of Planning prior to issuance of grading or building permits. (RMA Planning Department) Prior to recordation of the Final Map, the Subdivision Map shall be revised to delineate those areas where easements are conveyed to the County where the slope exceeds 30 percent. Prior to Map Recordation, a Scenic Easement conveyance document shall be prepared for the affected property and reviewed by the County. Such documents will be recorded concurrent with Map Recordation, (RMA Planning Department) | Submit scenic easement to PBI for approval. | Owner/Applicant | Prior to recordation of the Final Map | |
| | | | As Described. The following lots include areas with slopes in excess of 30%. Lots #2, 4, 5, 7, 21, 22, 24, 25, 40, 41, and 42. | Owner/Applicant | Prior to recordation of the Final Map | |
| | | | Underground utility lines and other below ground and flat surface level subdivision improvements shall be allowed in the scenic easement and will be specified exactly in the Scenic Easement conveyance document to be reviewed and approved by the Director of Planning. (Added by Subdivision Committee 10/12/06) | | | |
| 9. | | PBDSP004- NON-STANDARD - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "The following reports have been prepared for the development | Final recorded map with notes shall be submitted to PBI and Public Works for review and approval. | Owner/Applicant | Prior to Recordation of Final Map | |

| Permit Cond. Number | Mitig. Number | Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department | Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted. | Responsible Party for Compliance | Timing | Verification of Compliance (name/date) |
|----------------------------|----------------------|---|--|---|---------------|---|
| | | <p>proposed on the subject property:</p> <ol style="list-style-type: none"> 1. C.A. Singer & Associates: Cultural resources survey and impact assessment for a 91 acre property near the town of Lockwood in Monterey County, CA (APN 423-071-059 and 423-251-034) March 2004. Archaeological resources at APN 423-071-059 and APN 423-251-034: an evaluation of site CA-MNT-2191 and assessment of projected impacts associated with the proposed Country Lake Estates Subdivision, May 2004. 2. Geomatrix Consultants 2005, Project Specific Hydrological Report-Country Lake Estates New Pleyto Road, Bradley, California. 3. Mid-Coast Geotechnical (MCG) (2004). Percolation Data Report-Leach Line Method. 4. Mixed Water Quality & Laboratory Reports, Country Lake Estates, May 9, 2005. 5. Sierra Delta Corporation (DRC) 2004, Geologic Hazards Investigation 70850 and 70970 New Pleyto Road Bradley, Monterey County, California 93426. 6. C.A. Singer & Associates: Cultural resources survey and impact assessment for a 91 acre property neat the town of Lockwood in Monterey County, CA (APN 423-071-059 and 423-251-034) March 2004. 7. Archaeological resources at APN 423-071-059 and APN 423-251-034: an evaluation of site CA-MNT-2191 and assessment of projected impacts associated with the proposed Country Lake Estates | | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|-------------------------------------|---|
| | | <p>Subdivision, May 2004.</p> <p>8. Geomatrix Consultants 2005, Project Specific Hydrological Report-Country Lake Estates New Pleyto Road, Bradley, California.</p> <p>9. Mid-Coast Geotechnical (MCG) (2004). Percolation Data Report-Leach Line Method. Mixed Water Quality & Laboratory Reports, Country Lake Estates, May 9, 2005.</p> <p>10. Sierra Delta Corporation (DRC) 2004, Geologic Hazards Investigation 70850 and 70970 New Pleyto Road Bradley, Monterey County, California 93426.</p> <p>11. Pinnacle Traffic Engineering, 2004, Country Lake Estates Project; Monterey County, California Draft Traffic Impact Report.</p> <p>12. Pinnacle Traffic Engineering, Traffic Impact Report Supplement. August 16, 2006.</p> <p>These reports are on file with Monterey County Planning Department. The recommendations contained in said reports shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA Planning Department)</p> | | | | |
| 10. | | <p>PBDSP005 - NON-STANDARD - NOTES ON FINAL MAP</p> <p>The following conditions of approval shall be placed as notes on the Final Map to serve as notification to subsequent homeowners and property owners of requirements of this Combined Development permit.</p> | Place note on map or a separate sheet and submit to PBI for review and approval. | Applicant/ Owner | Prior to record-ation of final map. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|--|---|
| | | Condition numbers 20, 21, 24, 46, 62, 73, 78, 80, 81, 85, 86. (RMA Planning Department) | | | | |
| 11. | | PBD033 – UTILITIES – SUBDIVISION A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the (parcel or final) map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA Planning Department) | Place note on map or a separate sheet and submit to PBI for review and approval. | Applicant/ Owner | Prior to recordation of final map. | |
| 12. | | PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to | A note containing the entirety of this condition shall be placed on the Final Map to be recorded. | Applicant / Engineer | Prior to Recordation of the Final Map | |
| | | | A note containing the entirety of this condition shall be placed on the Improvement Plans prior to approval. | Applicant / Engineer | Prior to approval of Improvement plans or ground disturbance | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|---|---|
| | | develop proper mitigation measures required for the discovery. (RMA Planning Department) | Should any resources be revealed as described in this Condition #12, particularly the uncovering of any human remains, Donna Haro, Tribal Council Chair of the Xolon Salinan Tribe shall be contacted immediately. (Added by Subdivision Committee 10/12/06) | Applicant | Ongoing | |
| 13. | | PBDSP006 - NON-STANDARD The applicant shall prepare formalized <u>Improvement Plans</u> which shall include and incorporate all conditions of approval and physical structures required by the Environmental Health Department, Water Resources Agency, Public Works Department, Fire Department and other agencies as required of this Vesting Tentative Map. (RMA Planning Department) | As Described. All Conditions of Approval and adopted Mitigation Measures shall be included prominently as Notes on the Improvement Plans | Owner/ Applicant | Prior to grading and construction activities | |
| 14. | | PBD032(A) - TREE PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning. (RMA Planning Department) | Submit evidence of tree protection to PBI for review and approval. | Owner/ Applicant | Prior to issuance of grading and building permits | |
| 15. | | PBDSP007 - NON-STANDARD The Applicant shall call the Planning Department to coordinate a pre-construction conference with County Land Use agencies. Mitigation Measures, infrastructure, construction phasing, construction practices, fees, | As Described | Owner/ Applicant | Prior to grading and construction | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---|---|
| | | inspection schedules and County and applicant expectations will be discussed. (RMA Planning Department) | | | activities | |
| 16. | | PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning . (RMA Planning Department) | None | Owner/ Applicant | Ongoing | |
| 17. | | PBD011 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Building Inspection. (RMA Planning Department) | 1) Evidence of compliance with the Erosion Control Plan shall be submitted to Building prior to issuance of building and grading permits. | Owner/ Applicant | Prior to Issuance of Grading and Building Permits | |
| | | | 2) Evidence of compliance with the Implementation Schedule shall be submitted to Building during the course of construction until project completion as approved by the Director of PBI. | Owner/ Applicant | Prior to Final Inspection | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|--|---|
| 18. | | PBD042 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA Planning Department) | If applicable, apply and receive the appropriate grading permit from Monterey County Building Inspection. | Engineer/ Owner/ Applicant | Prior to Issuance of Permits for Single Family Residence s | |
| | | | A note to this effect shall be placed on the final map to alert future property owners to this requirement. | | Prior to Map Recordati on | |
| 19. | | PBD021 LIGHTING EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning, prior to the issuance of building permits. (RMA Planning Department) | Submit three copies of the lighting plans to PBI for review and approval. | Owner/ Applicant | Prior to issuance of building permits. | |
| | | | A note to this effect shall be placed on the final map to alert future property owners to this requirement. | | Prior to Map Recordati on | |
| 20. | | PBD020 – LIGHTING - STREET LIGHTS All street lights in the development shall be approved by the Director of Planning. At a maximum, street lights may be considered only at the intersections of roads, drives, and lanes. (RMA Planning Department) | Submit three copies of the lighting plans to PBI for review and approval. | Owner/ Applicant | Prior to approval of Subdivi- sion Improve- ment Plan | |

| Permit Cond. Number | Mitig. Number | Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department | Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted. | Responsible Party for Compliance | Timing | Verification of Compliance (name/date) |
|---------------------|---------------|---|--|----------------------------------|---|--|
| 21. | | PBD036 - WATER TANK APPROVAL The project water tanks (located in a public utility easement a=on proposed Lot #22) shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of Planning prior to approval of the Subdivision Improvement Plan. (RMA Planning Department) | 1) Submit proposed color of water tank and landscaping to PBI for review and approval. | Applicant/ Owner | Prior to approval of Subdivi- sion Improve- ment Plan | |
| | | | 2) Provide evidence to PBI that the water tank is painted as approved by PBI and that landscaped was installed as approved by PBI. | Applicant/ Owner | Prior to final inspect- tion | |
| 22. | | PBDSP008 - NON-STANDARD Residential Landscaping: Property owners constructing residential structures shall plant native grasses, shrubs, and trees to increase habitat quality after construction disturbances; create proper drainage and planting during construction; and remove any non-native species (IS/MND PG19). (RMA Planning Department) | Prepare and submit landscape plans in accordance with County Policy incorporating the described elements herein. (Cross-reference this condition with Landscaping Requirements from the CDF Fire Department below.) | Home Owner / Property Owner | Prior to occupancy | |
| | | | A note to this effect shall be placed on the final map to alert future property owners to this requirement. | | Prior to Map Recordati on | |
| | | | | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|--|----------------------|--|--|---|---|---|
| Environmental Health Department | | | | | | |
| 23. | | EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health) | Submit necessary application, reports and testing results to EH for review and approval. | CA Licensed Engineer /Owner/ Applicant | Prior to approval of Improvement Plan or prior to filing final map | |
| 24. | | EH2 - WATER SYSTEM IMPROVEMENTS (CO. PERMITTED SYSTEM) Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. (Environmental Health) | Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to EH for review and approval prior to installing (or bonding) the improvements. | CA Licensed Engineer /Owner/ Applicant | Prior to issuance of grading/ building permit or Prior to filing final map | |
| 25. | | EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health) | Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency. | CA Licensed Engineer /Owner/ Applicant | Prior to installing / bonding water system improvements | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|--|---|
| 26. | | EH5 - INSTALL / BOND WATER SYSTEM IMPROVEMENTS The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health) | The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. | CA Licensed Engineer /Owner/ Applicant | Prior to filing final map | |
| 27. | | EH12 - EXISTING SEPTIC SYSTEM Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which crosses property lines or does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. (Environmental Health) | Division of Environmental Health must approve plans. | CA Licensed Engineer /Owner/ Applicant | Prior to filing the final map or issuance of a building permit | |
| 28. | | EH13 - DRAINAGE IMPROVEMENTS Submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health) | Division of Environmental Health must approve plans. | CA Licensed Engineer /Owner/ Applicant | Prior to filing the final map | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|--|--------------------------------|---|
| 29. | | EH21 - SEPTIC ENVELOPES Submit an updated map indicating all proposed septic envelopes to the Division of Environmental Health for review and approval. Once approved the septic envelopes shall appear as part of the final/parcel map. (Environmental Health) | Once approved the septic envelopes shall appear as part of the final/parcel map. | Owner/ Applicant | Prior to filing the final map. | |
| 30. | | EH44 - WELL LOTS Submit a tentative plan indicating the proposed well lots, water distribution, and access easements for the water system to the Director of Environmental Health for review and approval. Once approved, well lots and easements shall appear as part of the final map. (Environmental Health) | Submit plans to the Division of Environmental Health for review and approval. | CA Licensed Engineer /Owner/ Applicant | Prior to filing the final map. | |
| 31. | | EH62 – BY-LAWS AND ARTICLES OF INCORPORATION Submit by-laws and articles of Incorporation for the proposed mutual water company for review and approval to the MCEHD. This document shall address priority water uses in the event of water shortage. It shall also include a tiered rate structure as an incentive for conservation. (Environmental Health) | Owner/applicant shall submit final draft for review and approval to MCEHD prior to filing with the appropriate state agency. | Owner/ Applicant | Prior to filing the final map. | |
| 32. | | EH63 -WATER CONNECTIONS TO BE METERED All water system connections shall be metered. (Environmental Health) | Plans for the water system shall indicate the well meter specifications for each lot within the subdivision | Owner/ Applicant | Prior to filing the final map. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|---|---|
| 33. | | EH64 - PAY ALL FEES Applicant shall pay all review and permit application fees to the MCEHD. | Contact MCEHD. All required fees due shall be submitted to MCEHD. | Owner/ Applicant | Prior to filing the final map. | |
| 34. | | EH65 - PHASING OF SUBDIVISION AND WATER SYSTEM IMPROVEMENTS Should the project improvements be phased, the wells, all necessary treatment equipment and the storage tank shall be in the first phase. | First phase improvement map shall include all water system infrastructure. | Owner/ Applicant | Prior to filing the final map. | |
| 35. | | ESP01 – NON-STANDARD Deed Notification to limit Commercial Lots to uses without high water use (0.8 acre feet maximum per year) (Environmental Health) | The applicant shall record a Deed Notification for each of the commercial properties (C1-C5) concurrently with the final map, to restrict the commercial properties to uses without high water use. | Owner/ Applicant | Concurrent with the final map. | |
| 36. | | EHSP008 – CAPITAL IMPROVEMENT FUND FOR MUTUAL WATER COMPANY (NON-STANDARD CONDITION) The developer shall deposit an amount equal to 15% of the entire project water treatment and distribution system total costs to a capital reserve account to pay for future equipment repairs and/or replacement costs. (Environmental Health) | Deposit the appropriate funds into a capital reserve account held in the name of the mutual water company. Provide evidence to the Division of EH that the funds have been deposited. | Owner/ Applicant | Concurrent with the incorporation of water system | |
| | | | | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|-------------------------------|----------------------|--|--|---|--|---|
| Water Resources Agency | | | | | | |
| 37. | | WR39 - OTHER AGENCY PERMITS The applicant shall provide certification to the Water Resources Agency that applications have been submitted for all required local, State, and Federal permits. The Agencies include but are not limited to the California Department of Fish & Game, California Regional Water Quality Control Board, Division of Safety of Dams, and the Army Corps of Engineers. (Water Resources Agency) | Submit a letter and any associated permits to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to issuance of any grading or building permits | |
| 38. | | WR47 - WASTE MANAGEMENT PLAN The applicant shall provide the Water Resources Agency a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners. (Water Resources Agency) | Submit the plan to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to issuance of any grading or building permits | |
| 39. | | WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency) | Submit all applicable well information to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to issuance of any grading or building permits | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|----------------------------------|---|
| 40. | | WR6 - STORMWATER DETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency) | Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval. | Owner/ Applicant/ Engineer | Prior to filing of the final map | |
| 41. | | WR36 - HOMEOWNERS ASSOCIATION CC&R'S A homeowner's association shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of Planning , and the County Water Resources Agency shall approve documents for formation of association. The covenants, conditions and restrictions (CC&R's) shall include provisions for a yearly report by a registered civil engineer and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. (Water Resources Agency) | Submit the CC&R's to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to filing of final map | |
| | | | | HOA / Registered Civil Eng. | Yearly Report | |
| | | | The covenants, conditions and restrictions (CC&R's) shall also include provisions that would cause all homeowners to turn over all artifacts that they might discover. | All Homeowners | | |
| | | | All discovered and reported artifacts shall be logged and some kind of site number be issued so that (The Xolon Tribe) can continue to document the living patterns of the ancient Salinan Indians. (Added by Subdivision | The Xolon Tribe as described in the letter prepared October 11, | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|---|---|---|---|
| | | | Committee 10/12/06) | 2006. | | |
| 42. | | <p>WR37 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT</p> <p>If the homeowners' association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. Prior to filing the final map, a copy of a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p> | <p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</p> <p>(A copy of the County's standard agreement can be obtained at the Water Resources Agency.)</p> | Owner/ Applicant | The agreement shall be recorded concurrently with the final map | |
| 43. | | <p>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</p> <p>A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to</p> | <p>Submit a recorded notice to the Water Resources Agency for review and approval.</p> <p>(A copy of the County's standard notice can be obtained at the Water Resources Agency.)</p> | Owner/ Applicant | Recordation of the notice shall occur concurrently | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|---|---|
| | | recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency) | | | with the final map | |
| 44. | | WR42 - LANDSCAPING REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency) | Submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.) | Owner/ Applicant | Recordation shall occur concurrently with the final map | |
| 45. | | WR44 - WATER USE INFORMATION The applicant shall provide the Water Resources Agency a copy of the Water Use & Nitrate Impact Questionnaire describing the pre-development and post-development water use on the property. (Water Resources Agency) | Submit the WUNIQ to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to filing the final map | |
| 46. | | NON-STANDARD - ROAD DRAINAGE AND IMPROVEMENT PLAN The applicant shall provide the Water Resources Agency, a <u>Road Drainage and Improvement Plan</u> , along with supporting calculations, prepared by a registered civil engineer, that includes cross-sections showing existing and proposed conditions. All primary-access stream crossings shall be designed to convey runoff resulting from a 100-year storm event. If the road is | Submit 1 copy of the road drainage and improvement plan and supporting calculations to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to filing of final map or Subdivision Improvement Agreement | WRA |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|---|---|---|---|
| | | proposed to be overtopped, the analysis shall include a discussion of depths and velocities at the stream crossings. Plans shall be submitted to the Water Resources Agency for approval, and necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency) | Following each rain season (October 15 – March 15) the drainage areas along New Pleyto Road shall be inspected for evidence of newly exposed cultural resources. (Added by Subdivision Committee 10/12/06) | Home Owners Association | Annually | |
| 47. | | NON-STANDARD DRAINAGE EASEMENT NOTE A note shall be recorded on the final map stating: “We also hereby dedicate for public use easements for the flow or storage of water over those strips of land designated as “Drainage Easements” as shown on said map within said subdivision; such strips of land are to be kept open and free from obstructions, including buildings and structures, except flood control structures.” The applicant shall provide the Water Resources Agency a copy of the map to be recorded. | Submit a copy of the final map to be recorded, with appropriate note, to the Water Resources Agency for review and approval. (Water Resources Agency) | Owner/ Applicant | Prior to filing of final map | WRA |
| 48. | | WR0008 COMPLETION CERTIFICATION (WR) Prior to issuance of any building permits, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency) | Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan. | Owner/ Applicant | Prior to issuance of any building permits | WRA |
| 49. | | PARK IMPROVEMENT PLAN The applicant shall provide the Water Resources Agency, a park improvement plan for review and approval that includes the location of all facilities associated with the park area along New Pleyto Road. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency) | Submit 1 copy of subdivision improvement plan to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to filing of final map | WRA |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|---|--|---|------------------------------------|---|
| | | | | | | |
| | | | | | | |
| Public Works | | | | | | |
| 50. | | PW0020 – PRIVATE ROADS Designate all subdivision roads as private roads. (Public Works) | Subdivider's Surveyor shall designate private roads on final map. | Subdivider | Ongoing | |
| 51. | | PW0015 – UTILITY'S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works) | Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW | Owner/ Applicant | Prior to Recordatio n of Map | |
| 52. | | PW0016 – MAINTENANCE OF SUBDIVISIONS Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works) | Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity. | Subdivider | Ongoing | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|-----------------------------------|---|
| 53. | | PW0017 – NATURAL DRAINAGE EASEMENT Designate all natural drainage channels on the final map by easements labeled “Natural Drainage Easement”. (Public Works) | Subdivider’s surveyor shall include labeling as described on Final Map. | Subdivider/ Surveyor | Prior to Recordation of Final Map | |
| 54. | | PW0023 – IMPROVEMENT PLANS Provide improvement plans for approval by the Department of Public Works and construct subdivision roads to a minimum of two 10’ travel lanes plus an asphaltic concrete dike or as approved by the Department of Public Works. Minimum structural section shall be a double seal coat on 0.34’ of aggregate base. Where the road grade exceeds 8%, minimum structural section shall be increased to 0.17’ of asphaltic concrete on 0.34’ of aggregate base. Actual structural sections are to be determined by R-Value tests. (Public Works) | Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of final map. | Subdivider | Prior to Recordation of Final Map | |
| 55. | | PW0021 – ROAD NAMES Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works) | Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval. | Subdivider | Prior to Recordation of Final Map | |
| 56. | | PW0027 – CUT/FILL SLOPE (2:1) Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geotechnical report. (Public Works) | Engineer shall include notes on Improvement Plans | Subdivider/ Engineer | Prior to Recordation of Final Map | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|---|---|
| 57. | | PW0028 – GEOTECHNICAL REPORT A geotechnical report will be required before recording final maps. (Public Works) | Subdivider shall have geotechnical report prepared and to submit to DPW | Subdivider | Prior to Recordation of Final Map | |
| 58. | | PW0026 – PLANTING FOR GRADED AREAS Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following: a. That the cut and fill slopes be stabilized. b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a). c. Type and amount of maintenance required to satisfy item (a). (Public Works) | Subdivider's Engineer to include erosion control measures on improvement plans. | Subdivider / Engineer | Prior to approval of Subdivision Improvement Plan or prior to filing Final map. | PW |
| 59. | | PW0030 – HOMEOWNERS ASSOCIATION Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works) | Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements. | Subdivider | Prior to Recordation of Final Map | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|---|---|---|---|
| 60. | | PW0032 – AS BUILT PLANS A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works) | Subdivider's Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval. | Subdivider /Engineer | Prior to Release of Bonds | |
| 61. | | PW0001 – ENCROACHMENT (COM) Obtain an encroachment permit from the Department of Public Works to construct and connect Country Lake Drive to New Pleyto Road, including acceleration and deceleration tapers. The design and construction is subject to the approval of the Public Works Director. (Public Works) | Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances. | Owner/ Applicant | Prior to Building/ Grading Permit Issuance. | |
| 62. | | NON-STANDARD CONDITION That the local fire jurisdiction approve the turn-around hammerheads. (Public Works) | | Owner / Applicant | With Improvement Plans Prior to Recordation of Final map. | |
| 63. | | NON-STANDARD CONDITION Access to the commercial lots shall be approved by the Department of Public Works. (Public Works) | | Owner/ Applicant | With Improvement Plans Prior to Recordation of Final map. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|---|----------------------|--|--|---|---|---|
| 64. | | NON-STANDARD CONDITION - That the Country Lake Drive right-of-way be a minimum of 50' wide. (Public Works) | | Owner/ Applicant | Prior to Recordation of Final map. | |
| | | | | | | |
| Redevelopment and Housing Division | | | | | | |
| 65. | | NON-STANDARD CONDITION Prior to the recordation of the Final Map, the applicant shall comply with the County's Inclusionary Housing Ordinance #04183 by paying, or securing, to the satisfaction of the Housing Office Program Manager, an in-lieu fee consistent with the adopted Inclusionary Housing Administrative Manual. | Note: This is the present estimate. Applicant may receive credit for one or as many as four of the existing residences on the subject property, thereby reducing the applicant's financial obligation. <u>Lot Pattern #1 (estimate)</u> 52 lots x .20 = 10.4 Inclusionary Units Fee for each Inclusionary Unit required = \$22,950. \$22,950 x 10.4 = \$238,680 <u>Lot Pattern #2 (estimate)</u> 45 lots x .20 = 9.0 Inclusionary Units Fee for each Inclusionary Unit required = \$22,950. \$22,950 x 9.0 = \$206,550 | Subdivider / owner | Prior to the recordation of the Final Map | |
| Parks Department | | | | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|--|----------------------|---|---|---|--|---|
| 66. | | PKS002 – RECREATION REQUIREMENTS/FEEES The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department) | The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code. | Owner/ Applicant | Prior to the Record-ation of the Final Map | |
| <p align="center">California Department of Forestry, South County Carmel Fire Protection Associates</p> | | | | | | |
| 67. | | EMERGENCY ACCESS: Road and street networks, whether public or private, shall provide for safe access for emergency equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during emergencies. To achieve these goals, the following emergency access conditions are imposed: FIRE001 - ROAD ACCESS NON-STANDARD Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two ten-foot traffic lanes providing two-way traffic flow. The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire | Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection for each phase of development. | Applicant or owner | Prior to final building inspection | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|---|--|---|---------------|---|
| | | engines. Surfaces shall be capable of supporting the imposed load of fire apparatus. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet. Turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 50 feet in length. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. Vertical Clearance: Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (California Department of Forestry, South County) | | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|--|---|
| 68. | | FIRE009 - BRIDGES All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges. (California Department of Forestry, South County) | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection. | Applicant or owner | Prior to final building inspection. | |
| 69. | | FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|--|--|---|--|---|
| | | immediate access by emergency equipment may be required. (California Department of Forestry, South County) | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection | |
| 70. | | FIRE010 -ROAD SIGNS All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans. Applicant shall schedule fire dept. clearance inspection for each phase of development. | Applicant or owner Applicant or owner | Prior to filing of final map. Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|---------------------------------------|---|
| | | signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (California Department of Forestry, South County) | | | | |
| 71. | | FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (California Department of Forestry, South County) | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---|---|
| 72. | | FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available (California Department of Forestry, South County) | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection for each phase of development. | Applicant or owner | Prior to final building inspection | |
| 73. | | EMERGENCY WATER STANDARDS: Submittal of Water Utility Plan. A water utility plan shall be submitted to the Fire Authority for Review and approval prior to the beginning of construction. The water utility plan shall show the proposed locations of fire hydrants in the subdivision as well as the size and capacity of all water mains. (California Department of Forestry, South County) | As Described. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to the beginning of construction. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|---|--|---|---------------|---|
| 74. | | FIRE PROTECTION SYSTEMS AND BUILDING FEATURES All buildings shall be fully protected with automatic fire sprinkler system(s) meeting national standards applicable to the building and/or occupancy. (California Department of Forestry, South County) | As Described. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Ongoing | |
| 75. | | FIRE PROTECTION SYSTEMS AND BUILDING FEATURES. All commercial buildings shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association 72 – 1999 Edition for the monitoring of water flow and valve tamper conditions. (California Department of Forestry, South County) | As Described. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Ongoing | |
| 76. | | FIRE PROTECTION SYSTEMS AND BUILDING FEATURES Roof Construction. Roof construction shall be Class A. (California Department of Forestry, South County) | As Described. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Ongoing | |
| Mitigation Measures | | | | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|--|---|
| 77. | 1. | <p>MITIGATION MEASURE #1 (BIOLOGICAL RESOURCES: NESTING BIRDS):</p> <p>Should trees be proposed for removal, the following mitigation is required in order to minimize potential adverse impacts to native resident special-status nesting avian species:</p> <ul style="list-style-type: none"> • A pre-construction survey for special-status nesting avian species (and other species protected under the Migratory Bird Act) shall be conducted by a qualified biologist at least 30 days prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (typically February through August). • If nesting birds are not found, no further action would be necessary. • If a bird were found, construction within 100 feet of the nest site should be postponed until after the bird has fledged, or an appropriate construction buffer has been established in consultation with the California Department of Fish and Game. (RMA Planning Department) | As Described | Applicant | <p>(If trees are to be removed)</p> <p>30 days prior to tree removal or construction</p> | |
| 78. | 2. | <p>MITIGATION MEASURE #2 (GEOLOGY AND SOILS: GEOTECHNICAL STUDY):</p> <p>In order to reduce potential adverse impacts from strong seismic ground shaking to a less than significant level, a geotechnical report shall be prepared for each proposed structure prior to its construction (commercial and residential). (RMA Planning Department)</p> | In conjunction with future development on the subdivision site, a geotechnical study shall be prepared by a registered civil or geotechnical engineer. This report shall include a soils report and an analysis of the liquefaction potential of the underlying materials. If a particular development site is confirmed to be in an area prone to | Individual property owners | Prior to issuance of building permits for new structures | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|--|--|---|--|---|
| | | | <p>seismically-induced liquefaction, appropriate techniques to minimize liquefaction potential shall be prescribed and implemented.</p> <p>Suitable measures to reduce liquefaction impacts could include: specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics.</p> | | | |
| 79. | 3. | <p>MITIGATION MEASURE #3 (GEOLOGY AND SOILS: SITE -SPECIFIC INVESTIGATIONS):</p> <p>In order to reduce potential adverse exposure of people or structures to landslides to less than significant levels, site specific investigations shall be performed by a County approved geologist for areas of moderate landslide hazard. Lots 4, 7, 9, 18-25, 29, 30, 35-37 are determined to have moderate landslide potential.</p> | <p>a) Prior to issuance of any building permits for lots 4, 7, 9, 18-25, 29, 30, 35-37, a qualified geotechnical engineer and/or engineering geologist shall prepare a thorough site-specific geologic/geotechnical studies, and a slope stability analysis which shall incorporate site specific recommendations. The slope stability analysis is to meet the requirements of CDMG 1997 (Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117).</p> <p>b) During construction, engineering geologists and geotechnical</p> | Individual property owners | Prior to issuance of building permits for new structures | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|--|--|---|---------------|---|
| | | | <p>engineers shall confirm preliminary findings reported in the preliminary studies.</p> <p>c) All applicable recommendations of final geologic and geotechnical investigations prepared for the project shall be implemented. These recommendations may include: avoidance of or setbacks from areas susceptible to landslides; grading restriction areas; drainage improvements to ensure potential landslide areas do not become saturated; excavating standard keyways and benches in a stair-step configuration; water addition or drying-out as needed to bring soils close to their optimum moisture content; limitations on cut and fill slope gradients; and/or removal and backfilling or potential landslide areas.</p> <p>d) During construction grading, close coordination shall occur between the civil engineer and the project engineering geologist and geotechnical engineer to ensure that the recommendations of the geologic and geotechnical investigations are properly implemented.</p> | | | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|--|---|
| 80. | 4. | <p>MITIGATION MEASURE #4 (GEOLOGY AND SOILS: SOILS /FOUNDATION REPORT):</p> <p>Future applicants proposing development within the areas determined to have a moderate landslide hazard shall submit a site-specific soils/foundation report as part of the application for any proposed Building Permit(s). To reduce the potential for foundation cracking, one or more of the following could be implemented and/or as recommended by a qualified engineer, based on the conclusions of the soils report:</p> <ul style="list-style-type: none"> a) Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone. b) Removal of highly expansive material and replacement with non-expansive import fill material. c) The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils. d) Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils. | | Individual property owners | Prior to issuance of building permits for new structures | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|--------------------------------------|---|
| 81. | 5. | <p>MITIGATION MEASURE #5 (GEOLOGY AND SOILS: GRADING & EROSION CONTROL PLAN):</p> <p>A grading and erosion control plan that minimizes erosion, sedimentation, and unstable slopes shall be submitted and approved for development proposed in areas containing moderate or high erosion hazard.</p> | <p>a) Methods such as retention basins, drainage diversion structures, grading reduction, silt fencing/coordinated sediment trapping, straw bales, and sand bags. These methods shall be used to minimize erosion on slopes and siltation into drainage facilities.</p> <p>b) Graded areas shall be revegetated within two weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.</p> <p>c) After construction of tract improvements and until construction of individual homes, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by APCD. These methods may include importing topsoil and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil. At a minimum, six inches of</p> | Individual property owners | Prior to issuance of Grading Permits | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|--------------------------------------|---|
| | | | <p>topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodable soils.</p> <p>d) Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at building sites and replacement with compacted fill.</p> <p>e) Where necessary, construction on transitional lots shall include over-excavation to expose firm subgrade, use of post tension slabs in future structures, or other geologically acceptable method.</p> <p>f) Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.</p> <p>g) Irrigation shall be controlled so that over-watering does not occur.</p> | | | |
| 82. | 6. | <p>MITIGATION MEASURE #6 (HAZARDS AND HAZARDOUS MATERIALS - LANDSCAPE PLAN):</p> <p>In order to reduce exposure to people or structures to a significant risk of loss, injury or death involving wildland fires, where residences are intermixed with wildlands, individual property owners shall develop Landscape Plans that incorporate native non-flammable landscape plant species.</p> <p>Should this native non-flammable landscape not be</p> | Concurrent with Map Recordation, Notices shall be recorded on new parcels restricting high fuel-load non-native plant species from being planted. | Applicant / Subdivider | Concurrent with Map Recordation | |
| | | | Prior to occupancy of new residential or commercial structures, owner/applicants shall prepare Landscape Plans, per county practice that draws from list of plant materials attached to this document as Landscape | Individual property owners | Prior to occupancy of new structures | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---------------------------------|---|
| | | maintained, an Exterior Sprinkler System for any new structure will be required on demand of the County of Monterey, per Mitigation Measure #7 below. | Exhibit D-1. | | | |
| 83. | 7. | MITIGATION MEASURE #7 (HAZARDS AND HAZARDOUS MATERIALS: STRUCTURAL FIRE PROTECTION): In order to reduce exposure to people or structures to a significant risk of loss, injury or death involving wildland fires, where residences are intermixed with wildlands, individual property owners shall provide stringent structural safeguards that would reduce the need for rapid response of first alarm fire resources. This would include the installation of fire sprinklers throughout every structure, including garages, attics, enclosed patios and overhanging patios. | Concurrent with Map Recordation, Notices shall be recorded on new parcels acknowledging the structural Fire Protection Measures required of this development, as described. | Applicant / Subdivider | Concurrent with Map Recordation | |
| | | | The following features are required: <ul style="list-style-type: none"> Exterior Sprinkler Systems. If adequate vegetation management zones are not employed, structures must have exterior exposure sprinkler systems separately applied, per NFPA 13. (Successful design and implementation of Mitigation Measure #6 above shall negate the need to implement Exterior Sprinkler Systems.) Class A Roofs. All structures in the development area shall have non-wood Class A roofs, with the ends of tile blocked, spark arresters visible from the street, proper vent screens, and non-combustible gutters and down spouts. No combustible paper in or on attic insulation shall be allowed. | Individual property owners | Ongoing | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---|---|
| | | | <ul style="list-style-type: none"> • Design of Accessory Features. Decks, gazebos, patio covers, fences, etc. must not overhang slopes and must be one-hour fire retardant construction. Front doors should be solid core, minimally 1 ¾ inch thick. Garage doors should be noncombustible. • Yard Characteristics. There should be no exterior piles of hay on the property and wooden or plastic fences or vegetation growing on fences should be prevented. • Utility Lines. All new power lines will be installed underground in order to prevent fires caused by arcing wires. | | | |
| 84. | 8. | <p>MITIGATION MEASURE #8 (AIR QUALITY – CONSTRUCTION-RELATED IMPACTS)</p> <p>In order to mitigate potentially significant construction related air quality impacts (as identified by MBUAPC in the July 24, 2006 response to the Notice of Intent to Adopt a Mitigated Negative Declaration) the applicant shall implement the following mitigation measures to assure less than significant impacts to air quality.</p> <p><u>Mitigation Measures for Fugitive Dust from Construction</u></p> <p>♦ Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</p> | As Described | Applicant /Subdivider | Concurrent with road construction and subdivision improvements. | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|---|---|---------------------------------|---|
| | | <ul style="list-style-type: none"> ♦Water graded / excavated areas at least twice daily. Frequency should be based on the type of operations, soil and wind exposure. ♦Prohibit all grading activities during periods of high wind (over 15 mph) ♦Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days) ♦Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area. ♦Haul trucks shall maintain at least 2'0" of freeboard. ♦Cover all trucks hauling dirt, sand, or loose materials. ♦Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land. ♦Plant vegetative ground cover in disturbed areas as soon as possible. ♦Cover inactive storage piles. ♦Install wheel washers at the entrance to construction sites for all exiting trucks. ♦Pave all roads at construction sites. | | | | |
| 85. | 9. | <p>MITIGATION MEASURE #9 (CUMULATIVE IMPACTS – REGIONAL TRAFFIC FEE)</p> <p>In order to mitigate regional traffic impacts that are individually limited but cumulatively considerable (as identified by CALTRANS in the July 19, 2006 response to the Notice of Intent to Adopt a Mitigated Negative</p> | Concurrent with Map Recordation, Notices shall be recorded on new parcels acknowledging to future property owners their responsibility to contribute in-lieu fees, as described herein, to mitigate regional traffic impacts. | Applicant / Subdivider | Concurrent with Map Recordation | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|---|---|
| | | <p>Declaration) the applicant shall implement the following mitigation measures to assure less than significant cumulative impacts to the regional transportation system:</p> <ul style="list-style-type: none"> The Transportation Agency of Monterey County (TAMC) has prepared a Nexus Study, dated September 2005, for a proposed Regional Development Impact Fee Program which identifies proposed regional transportation improvements. Based on the Proposed TAMC program, this project shall contribute a "fair share" contribution as mitigation for its' cumulative impacts to the regional transportation system. Stipulation: If the TAMC program is not implemented by December 2006, the fees identified for these developments will be transferred to Caltrans to help fund improvements, including, but not limited to U.S. 101 corridor improvements. | <p>The Traffic analysis shall be recomputed using the updated and current addition of the ITE Trip Generation handbook (7th edition). Vehicle trips generated from the updated revision shall be used to identify the appropriate pro-rata "fair share" contribution for each commercial and residential lot of the subdivision project.</p> <p>The fair share fee per commercial activity _____.</p> <p>The fair share fee for each residential lot _____.</p> | Homeowner s and commercial property owners. | Prior to Building permits being issued for new structures, <u>or</u> prior to commence ment of commerci al activities on properties without structures. | |
| 86. | 10. | <p>MITIGATION MEASURE #10 (CULTURAL RESOURCES)</p> <p>In order to assure less than significant potential impacts to Cultural Resources, the applicant, Country Lake Estates Industries, Inc (CLE Inc.) shall hire a monitor acceptable to the Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties to be present during rough grading operations for infrastructure construction occurring anywhere within or adjacent to cultural resources as identified and set forth in the Clay Singer and Associates, Inc. Reports dated march 27, 2004 and</p> | <p>County staff has a copy of the Memoranda of Understanding (MOU between the Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties and CLE Industries, agreeing to the presence of a tribal monitor.</p> <p>Prior to earthmoving activities, the applicant shall present telephone and address contact information between both parties to the satisfaction of the</p> | Applicant | During Rough Grading operations for infrastruct ure construc tion | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|------------------------------------|--------------------------|--|--|---|---------------|---|
| | | May 30, 2004. | County. | | | |

END

Landscape Exhibit D-1
Implementation of Mitigation Measure #6 (Landscape Plan):
Country Lake Estates Subdivision
County File #PLN040103

Low groundcovers

Artemisia douglasiana Douglas' sage
Epilobium (= *zauschneria*.) California fuchsia, hummingbird plant
Eriogonum spp., very low Buckwheat: lot for individuals with a flat growth habit
Solidago californica California Goldenrod

Succulents

Agave species Several in different areas of the county
Abronia species two species of sand Verbena in the county
Opuntia littoralis, *O. prolifera* Coastal Prickly-pear, Cholla, and other Cactus species
Dudleya species e.g., Ladies' Fingers, Chalk-Lettuce, Live-Forever
Nolina parryi Parry's Nolina
Yucca species Mohave Yucca and Our Lord's Candle

Wildflowers

Clarkia species Wine Cup, Summer's Darling, and others
Eschscholzia species California and other Poppies
Layia, *Madia*, etc. Annual daisy-type species
Lupinus species many kinds of Lupines
Phacelia species many kinds of blue-bells

Trees or tree-like shrubs

Heteromeles arbutifolia Toyon
Quercus dumosa Scrub Oak
Quercus agrifolia Coast Live Oak
Quercus engelmannii Engelmann Oak
Rhus integrifolia Lemonadeberry

Broad-leaf shrubs

Ceanothus sp. California Lilac
Isomeris arborea Bladderpod
Lonicera subspicata Chaparral Honeysuckle
Malacothamus fasciculatus Chaparral Mallow
Malosma laurina Laurel Sumac
Prunus illicifolia ssp. *Illicifolia* Hollyleaf Cherry
Rhamnus californica Coffeeberry
Rhamnus crocea Redberry
Ribes speciosum Fuschia-flowered Gooseberry